

1 \*E-Filed 12/30/2010\*

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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION

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11 FORD MOTOR CREDIT COMPANY,  
LLC,

No. C 07-03301 RS

12 **ORDER DISMISSING CASE  
WITHOUT PREJUDICE**

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Plaintiff,

14 v.

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LEWIS FAMILY ENTERPRISES, INC., et  
al.,

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Defendants.

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18 LEWIS FAMILY ENTERPRISES, INC., et  
al.,

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Counterclaimants,

20 v.

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22 FORD MOTOR CREDIT COMPANY,  
LLC, FORD MOTOR COMPANY,  
23 CAPITOL EXPRESSWAY FORD, INC.,

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Counterdefendants.

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1           On September 20, 2010, plaintiff's counsel informed the Court via e-mail that the instant  
2 matter had settled. The parties did not, however, file any formal notice of settlement with the Court.  
3 A jury trial is scheduled in the instant case in mid-January of 2011, and a pretrial conference, on  
4 January 6, 2011. The deadline to file any pretrial statement has passed, and the Court has received  
5 nothing from either party. On December 22, 2010, the Court lodged an inquiry with counsel for all  
6 parties as to the status of the case. No party responded. The Court has also attempted to contact  
7 plaintiff's counsel via telephone, also without any success. Accordingly, the instant matter shall be  
8 dismissed without prejudice for failure to prosecute.

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11 IT IS SO ORDERED.

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Dated: 12/30/2010

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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE